



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Continue Public Hearing to Consider Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities, and Amending Title 15, Section 64 of the Lodi Municipal Code

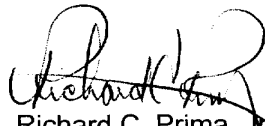
MEETING DATE: October 17, 2001

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That following a public hearing, continued from the October 3, 2001 meeting, the City Council introduce an ordinance amending the Lodi Municipal Code and adopt a resolution updating development impact fees for water, wastewater collection, storm drainage, streets, police, fire parks and recreation, and general City facilities.

BACKGROUND INFORMATION: At the Public Hearing of October 3, 2001, the City Council requested that a separate section addressing the Public Art Program be added to the report, Development Impact Fee Update. A copy of the added Section 11, Public Art Program, and Table 2.3, Summary of Public Art Program Funding from the Development Impact Fee Program, is attached for the Council's information. The final report will be published with the added information following City Council action.

FUNDING: None required.


Richard C. Prima, Jr.
Public Works Director

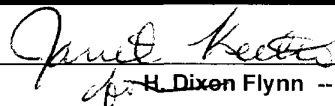
Prepared by F. Wally Sandelin, City Engineer

RCP/FWS/lm

Attachments

cc: City Attorney
Building Industry Association of the Delta
Jeff Kirst
Dennis Bennett
Baumbach & Piazza
Frontiers

APPROVED: _____



H. Dixon Flynn -- City Manager

SECTION 11

PUBLIC ART PROGRAM

The Public Art Policy for the City of Lodi, adopted in 2001, established Public Art requirements for public projects, including those funded by Development Impact Mitigation Fees . The Policy sets standards and procedures for Public Art as part of capital improvement projects and identifies a number of funding sources, including Development Impact Fees, that are to be used to construct the Public Art Projects. Per the Policy, two percent of all collected Development Impact Fees are to be placed in the Public Art Fund. This represents the total contribution from the Impact Mitigation Fee (IMF) Program for all projects funded by the IMF Program and the funds will be used for Public Art either as an element of the IMF funded project or as otherwise provided in the Policy. Based on the current estimate for IMF funded projects, the total amount for the Public Art Program is approximately \$1,706,000 as shown on Table 2.3.

Impact Mitigation Project cost estimates include an amount for contingencies that are sufficient to implement the Public Art Standards within the Impact Mitigation Fee Program. Throughout the program monitoring process, construction cost estimates and contingency factors are regularly updated to assure the financial viability of the Impact Mitigation Fee Program in accordance with environmental mitigation requirements, City Council policies and specific project approvals.

TABLE 2.3
SUMMARY OF PUBLIC ART PROGRAM FUNDING
FROM THE DEVELOPMENT IMPACT FEE PROGRAM

Public Art Program	
Program Category	Program Amount
Water	\$6,355,867
Sewer	\$883,152
Storm Drainage	\$16,384,987
Streets & Roads	\$17,273,389
Police	\$3,458,777
Fire	\$3,234,770
Parks & Recreation	\$27,311,622
General City Facilities	\$10,420,578
Total =	\$85,323,000
Portion of "Program" Amount for "Public Art Program" at 2%	\$1,706,000

Note 1: The "Program Amount" is the total cost of remaining projects less the current fund balance.

RESOLUTION NO. 2001-242

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING DEVELOPMENT IMPACT MITIGATION
FEES FOR ALL DEVELOPMENTS WITHIN
THE CITY OF LODI

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WHEREAS, the Lodi City Council has adopted Ordinance No. 1518, creating and establishing the authority for imposing and charging Development Impact Mitigation Fees in the City of Lodi; and

WHEREAS, studies have been made and data gathered on the impact of contemplated future development on existing public facilities in the City of Lodi, along with an analysis of the need for new public facilities and improvements required by new development; and

WHEREAS, the Lodi City Council adopted Resolution No. 91-172 on September 4, 1991, establishing Development Impact Fees and Supplemental Specific Area Fees; and

WHEREAS, the Lodi City Council has adopted Resolution 93-26 on February 3, 1993, updating the Development Impact Mitigation Fees and Supplemental Specific Area Fees in accordance with the above mentioned ordinance; and

WHEREAS, the Lodi City Council has adopted Resolution No. 94-10 on January 19, 1994, approving the Lodi Park, Recreation and Open Space Plan; and

WHEREAS, studies have been made and results presented in the final report, City of Lodi Development Impact Fee Update, October 2001, updating the analysis of required public facilities to serve new development, the cost of the facilities, and the required impact fees to fund the facilities; and

WHEREAS, such information was available for public inspection and review 14 days prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council that:

1. The City Council adopts the Final Report, City of Lodi Development Impact Fee Update, October 2001 to and including Section 11, Public Art Program.
2. FEES - The City Council hereby amends the fees specified in Section 2 "FEES" of Resolution 93-26 as follows:

FEE CATEGORY FEE PER RESIDENTIAL ACRE EQUIVALENT (RAE)

City-Wide Fees

1.	Water	\$ 3,918.00
2.	Sewer	\$ 501.00
3.	Storm Drainage	\$11,276.00
4.	Streets	\$ 7,874.00
5.	Police	\$ 1,540.00
6.	Fire	\$ 1,505.00
7.	Parks and Recreation	\$19,329.00
8.	General City Facilities	\$ 6,221.00

3. All resolutions or portions of resolutions setting amounts for such above-mentioned Development Impact Mitigation fees are repealed. All other provisions of Resolution 91-172 and 93-26 remain in effect.

4. **EFFECTIVE DATE:** The Development Impact Fees adopted in this Resolution shall take effect 60 days after adoption. For projects in which fees have been deferred under the terms of a Public Improvement Agreement per Lodi Municipal Code Section 15.64.040(E), these fees shall be effective per an approved Improvement Agreement or one year from the date of adoption of this Resolution, whichever is later. For projects with approved Tentative Subdivision Maps as of October 1, 2001, current fees and payment procedures will remain in effect until January 1, 2003 providing that the City Council has approved Final Maps for filing prior to this date.

Dated: October 17, 2001

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I hereby certify that Resolution No. 2001-242 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and
 Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 15 – BUILDINGS AND CONSTRUCTION,
CHAPTER 15.64 – DEVELOPMENT IMPACT MITIGATION FEES BY
REPEALING AND REENACTING SECTION 15.64.040 - “PAYMENT
OF FEES,” AND SECTION 15.64.050 - “ADOPTION OF STUDY,
CAPITAL IMPROVEMENT PROGRAM AND FEES” TO THE LODI
MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 15.64.040 “Payment of Fees” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

15.64.040 Payment of Fees

- A. The property owner of any development project causing impacts to public facilities shall pay the appropriate development mitigation fee as provided in this chapter. The amount shall be calculated in accordance with this chapter and the program fee per residential acre equivalent as established by council resolution.
- B. When such payment is required by this chapter, no final subdivision map, building permit or grading permit shall be approved for property within the city unless the development impact mitigation fees for that property are paid or guaranteed as provided in this chapter.
- C. The fees shall be paid before the approval of a final subdivision map, building permit or grading permit, whichever occurs first except as provided in subsection E of this section.
- D. If a final subdivision map has been issued before the effective date of the ordinance codified in this chapter, then the fees shall be paid before the issuance of a building permit or grading permit, whichever comes first except as exempted under Section 15.64.110 of this chapter.
- E. Where the development project includes the installation of public improvements, the payment of fees established by this Chapter may be deferred and shall be collected prior to acceptance of the public improvements by the city council. Payment of all deferred fees shall be guaranteed by the owner prior to deferral. Such guarantee shall consist of a surety bond, instrument of credit, cash or other guarantee approved by the City Attorney.

SECTION 2. Section 15.64.050 “Adoption of Study, Capital Improvement Program and Fees” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

15.64.50 Adoption of Study, Capital Improvement Program and Fees

- A. The city council adopts the City of Lodi Development Fee Study dated August, 1991 and establishes a future capital improvement program consisting of projects shown in said study. The city council shall review that study annually, or more often if it deems it appropriate, and may amend it by resolution at its discretion.

B. The city council shall include in the city's annual capital improvement program appropriations from the development impact fee funds for appropriate projects.

C. Except for facilities approved by the public works director for construction by a property owner under Section 15.64.080 or as shown in the annual capital improvement program, all facilities shall be constructed in accordance with the schedule established in the development impact fee study.

D. The program fee per residential area equivalent (RAE) shall be adopted by resolution and shall be automatically adjusted annually on January 1. The annual adjustment shall change the program fee by the same percentage as the annual change in the Engineering News Record 20 Cities Construction Cost Index.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2001

ALAN NAKANISHI
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2001, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: Continued Public Hearing - Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code


PUBLISH DATE(s): Saturday, October 6, 2001
Saturday, October 13, 2001

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: OCTOBER 4, 2001

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper - Copy to File

Hand Delivered
Faxed to the Sentinel at 369-1084 at 11:30A (time) on 10/4/01 (date) 2 (pages)
Sharon _____ Phoned to confirm receipt of all pages at _____ (time) Jac Jen (initials)



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: October 17, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the public hearing of the City Council of the City of Lodi to consider public comments/testimony regarding Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code, has been continued to Wednesday, October 17, 2001, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, in the Lodi Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the Public Works Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script, reading "Susan J. Blackston".

Susan J. Blackston
City Clerk

Dated: October 4, 2001

Approved as to form:

A handwritten signature in cursive script, reading "Randall A. Hays".

Randall A. Hays
City Attorney



DECLARATION OF POSTING

On Thursday, October 4, 2001 in the City of Lodi, San Joaquin County, California, a copy of Notice of Continued Public Hearing of the City Council of the City of Lodi to consider Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 4, 2001, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

A handwritten signature in dark ink, appearing to be "SJB", is written to the right of the printed name and title.

A large, stylized handwritten signature in dark ink is written over a horizontal line. The signature appears to be "Jacqueline L. Taylor".

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: October 17, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the public hearing of the City Council of the City of Lodi to consider public comments/testimony regarding Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code, has been continued to Wednesday, October 17, 2001, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, in the Lodi Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California.

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If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: October 4, 2001

Approved as to form:

Randall A. Hays
City Attorney

DECLARATION OF POSTING
NOTICE OF CONTINUED PUBLIC HEARING
OF THE CITY COUNCIL OF THE CITY OF LODI

I, Susan J. Blackston, hereby certify that on October 4, 2001 I posted "NOTICE OF CONTINUED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI" to consider public comments/testimony regarding Updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code, near the Council Chamber door; that said Notice remained posted until after the hour set for said hearing, as shown on said Notice.

A copy of said "NOTICE OF CONTINUED PUBLIC HEARING" as posted near the Council Chamber door, is shown on the attached and is made a part of this Certificate of Posting.

Dated: October 4, 2001
 (Date Posted - Must be within 24 hours)

ORDERED BY:

SUSAN J. BLACKSTON *SB*
CITY CLERK OF THE CITY OF LODI

ORDERED BY:


JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: October 17, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the public hearing of the City Council of the City of Lodi to consider public comments/testimony regarding updating Development Impact Fees for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire, Parks and Recreation, and General City Facilities; and to consider amendments to Title 15, Section 64 of the Lodi Municipal Code, has been continued to Wednesday, October 17, 2001, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard in the Lodi City Council Chambers, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted October 4, 2001

SUSAN J. BLACKSTON
CITY CLERK
of the City of Lodi

CITY COUNCIL

ALAN S. NAKANISHI, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
http://www.lodi.gov

October 10, 2001

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

Building Industry Assn. of the Delta
1150 W. Robinhood Dr., Ste. 4C
Stockton, CA 95207

Jeff Kirst
P. O. Box 1259
Woodbridge, CA 95258

Dennis Bennett
Bennett Development
P. O. Box 1597
Lodi, CA 95241

Baumbach & Piazza
323 W. Elm St.
Lodi, CA 95240

Frontier Development
2375 W. March Ln.
Stockton, CA 95207

SUBJECT: Continue Public Hearing to Consider Updating Development Impact Fees
for Water, Wastewater Collection, Storm Drainage, Streets, Police, Fire,
Parks and Recreation, and General City Facilities; and Amending Title 15,
Section 64 of the Lodi Municipal Code

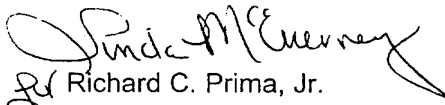
Enclosed is a copy of background information on an item on the City Council
agenda of Wednesday, October 17, 2001. The meeting will be held at 7 p.m. in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will continue a public hearing on this item from the October 3, 2001
City Council Meeting. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Wally Sandelin at 333-6709.


Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: City Clerk

NCPHCONTD